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Commission on the Status of Women
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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": review of gender mainstreaming in organizations of the United Nations system

Austria,* Belgium,* Bulgaria,* Cyprus,* Czech Republic,* Denmark, Estonia,* Finland,* France,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Netherlands, Poland,* Portugal,* Slovakia,* Slovenia,* Spain,* Sweden* and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolution: Situation of women and girls in Afghanistan

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Declaration on the Elimination of Violence against Women,[5] the Convention on the Rights of the Child[6] and the Optional Protocols thereto on the involvement of children in armed conflict[7] and on the sale of children, child prostitution and child pornography,[8] the Beijing Declaration[9] and Platform for Action,[10] the further

* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

[1] General Assembly resolution 217 A (III).

[2] General Assembly resolution 2200A (XXI), annex.

[3] General Assembly resolution 39/46, annex.

[4] General Assembly resolution 34/180, annex.

[5] See General Assembly resolution 48/104.

[6] General Assembly resolution 44/25, annex.

[7] General Assembly resolution 54/263, annex I.

[8] Ibid., annex II.

[9] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.*

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actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted by the General Assembly at its twenty-third special session,[11] accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949,[12] and other instruments of human rights and international law,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[13] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[14] the Convention on the Elimination of All Forms of Discrimination against Women,[15] the Convention on the Rights of the Child[16] and the Optional Protocols thereto,[17] the Conventions of 12 August 1949, and the Rome Statute of the International Criminal Court,[18]

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling the importance of the implementation of Security Council resolutions 1325 (2000), on women and peace and security, and 1460 (2003), on children and armed conflict, and in this context recognizing the recent Security Council mission to Afghanistan, from 13 October to 8 November 2003, which reviewed, inter alia, the humanitarian and human rights situation of women,

Welcoming the entry into force on 26 January 2004 of a new Constitution following the successful outcome of the Constitutional Loya Jirga, at which women played a prominent and crucial role, while also welcoming particularly the provisions of the new Constitution which state that the citizens of Afghanistan, whether men or women, are equal before the law and that at least two women are to be elected to the Wolesi Jirga (Lower House of Parliament) from each province, as a national average, and which provide for half of the President's nominees to the Meshrano Jirga (Upper House of Parliament) to be women,

Welcoming also the continuing commitment of the Afghan Transitional Administration to the full enjoyment of human rights and fundamental freedoms by women and girls, to the restoration of the active participation of Afghan women in political, economic and social life, to the education of girls as well as boys and to the opportunity for women to work outside the home,

Welcoming further the fact that the Back-to-School campaign launched by the Ministry of Education and the United Nations Children's Fund has been a major success and 4.2 million children are now enrolled in school, while recognizing the need for the enrolment rate of girls in school to improve considerably,

Welcoming the inclusion of women in the Transitional Administration, the Judicial Reform Commission, the Independent Human Rights Commission, the

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[10] Ibid., annex II.
[11] General Assembly resolution S-23/3, annex.
[12] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[13] General Assembly resolution 260 A (III), annex.
[14] General Assembly resolution 39/46, annex.
[15] General Assembly resolution 34/180, annex.
[16] General Assembly resolution 44/25, annex.
[17] General Assembly resolution 54/263, annexes I and II.
[18] A/CONF.183/9.

Constitutional Commission and the Secretariat of the Constitutional Loya Jirga, and stressing the importance of the full and effective participation of women in all decision-making processes regarding the future of Afghanistan,

Welcoming also the fact that the National Development Framework of the Transitional Administration reflects the needs of, and the importance of the role to be taken by, women and girls in the process of peace-building, reconstruction and development, and welcoming in this regard the assistance provided by the international community to achieve these goals,

Welcoming further the efforts of Afghanistan's neighbouring countries, which host millions of Afghan refugees, especially women and children, and have provided humanitarian assistance in many areas, such as education, health and other basic services,

Recognizing that, in spite of recent improvements, women in Afghanistan continue to face gross violations of their rights in many parts of the country and in particular in rural areas,

Recognizing also that Afghan women are primary stakeholders and agents of change, who must have the opportunity to identify their own needs, interests and priorities in all sectors of society as full partners in the rebuilding of their society,

Strongly emphasizing that a safe environment, free from violence, discrimination and abuse, for all Afghans, is essential for a viable and sustainable recovery and reconstruction process,

1. *Welcomes*:

(a) The ongoing commitments made by the Afghan Transitional Authority to recognize, protect and promote all human rights and fundamental freedoms, and to respect and promote respect for international humanitarian law;

(b) The provision of the new Constitution which states that the citizens of Afghanistan, whether men or women, are equal before the law;

(c) The ratification by the Afghan Transitional Administration of the Convention on the Elimination of All Forms of Discrimination against Women[15] on 5 March 2003;

(d) The ongoing security sector reform processes being undertaken by the Afghanistan Transitional Administration with the support of the international community, including the demobilization, disarmament and reintegration of former combatants and the recruitment of a new cadre of women police;

2. *Also welcomes* the report of the Secretary-General to the Commission on the Status of Women on the situation of women and girls in Afghanistan;[19]

3. *Urges* the Afghan Transitional Administration and future Government:

(a) To ensure that any legislative, administrative and other measures support the full enjoyment by women and girls of human rights and fundamental freedoms, including by mainstreaming gender issues into the activities of all Afghanistan Transitional Administration ministries;

[19] E/CN.6/2004/5.

(b) To enable the full, equal and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country at all levels;

(c) To protect the right to freedom of movement, expression and association for women and girls;

(d) To implement fully the Convention on the Elimination of All Forms of Discrimination against Women and prepare the initial report due in March 2004 and to raise awareness and strengthen the knowledge of women and girls and their families about their rights, including the full enjoyment of all human rights by women and girls;

(e) To ensure that the provisions of the new Constitution are implemented fully so as to ensure the full enjoyment of all human rights and fundamental freedoms by all women;

(f) To ensure that the electoral processes are carried out and monitored closely to make certain that women are able to register, participate fully and support special measures that would guarantee that they are represented in local, provincial and national government positions;

(g) To ensure that the Ministry of Women's Affairs, the Afghan Independent Human Rights Commission and the permanent Afghan judicial institutions have adequate human and financial resources to fulfil their mandates and address gender perspectives in line with international standards;

(h) To continue its efforts to re-establish the rule of law, in accordance with international standards, inter alia, by ensuring that law enforcement agencies respect and uphold human rights and fundamental freedoms, with a particular emphasis on access to justice for women;

(i) To continue its efforts to reflect a gender perspective in the training and activities of its police, army, prosecutors and judiciary and to promote the recruitment of Afghan women in all ranks;

(j) To review and improve the practices of law enforcement personnel when dealing with women victims of violence, particularly those accused of offences based on tradition or imprisoned for social reasons, to protect them from domestic and sexual violence and with regard to trafficking;

(k) To raise awareness of the need to prevent and eliminate violence, including domestic and sexual violence, against women, with the aim of changing the attitudes and behaviour that allow such crimes to take place, and strengthen efforts to prevent and eliminate violence against women by using legislative measures;

(l) To ensure that gender-sensitive approaches are applied in the development and application of procedures during data collection for the census and the registration of voters to deliver universal suffrage and the full participation of women in the national elections in 2004;

(m) To ensure the equal rights of women and girls to education, the effective functioning of schools throughout the country and the admission of women and girls to all levels of education, free from attack, and support the educational needs of those women and girls who were excluded from education in the past;

(n) To respect the equal right of women to work and promote their reintegration in employment in all sectors and at all levels of Afghan society;

(o) To protect the equal right of women and girls to security of person and to bring to justice those responsible for violence against women and girls;

(p) To continue demobilization and disarmament and facilitate the reintegration of women and girls, who have been affected by war, into society and work;

(q) To ensure the effective and equal access of women and girls, on the basis of equality among all Afghans, to the facilities necessary to protect the right to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the obligations of Afghanistan under the International Covenant on Economic, Social and Cultural Rights;[2]

(r) To ensure the equal right of women to own land and other property, inter alia, through the right to inheritance, and undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies and access to and control over natural resources as well as access to markets and information;

(s) To consider implementing gender budgeting in the national budget and in all budgets of line ministries;

(t) To ensure that Afghan women are well represented at the upcoming Berlin conference and that during the conference adequate attention is given to issues relating to the rights of women and girls;

(u) To support measures to ensure the full enjoyment of human rights and fundamental freedoms by women and girls and to hold accountable those who were responsible for gross violations of human rights in the past and to ensure that full investigations are conducted and perpetrators brought to justice, in accordance with international standards, in order to combat impunity;

4. *Encourages* the continuing efforts of the United Nations and its agencies, donors and civil society, guided by Security Council resolution 1325 (2000):

(a) To provide financial and technical assistance, including support to the Ministry of Women's Affairs and the Afghan Independent Human Rights Commission, to ensure the full enjoyment of human rights and fundamental freedoms by women and girls so as to strengthen the capacity of Afghan women to participate fully and effectively in conflict resolution and peace-building efforts and in civil, political, economic, cultural and social life;

(b) To support fully the Afghan Transitional Authority regarding the participation of women in society, inter alia, by providing support to ministries to develop their capacity to mainstream gender issues into their programmes;

(c) To support capacity-building for Afghan women to enable them to participate fully in all sectors, with special emphasis on ensuring women's participation and representation in all aspects of the electoral process leading to elections later this year;

(d) To provide technical and other relevant assistance so that the judicial system has the capacity to adhere to international standards of human rights;

5. *Invites* the United Nations system, international and non-governmental organizations, and donors:

(a) To ensure a human rights-based approach and coherent policy and resources for gender mainstreaming in all programmes and operations, based on the principles of non-discrimination and equality between women and men, and to ensure that women benefit equally with men from such programmes in all sectors;

(b) To ensure the full and effective participation of Afghan women in all stages of humanitarian assistance, recovery, reconstruction and development, including planning, programme development, implementation, monitoring and evaluation;

(c) To support the elements of civil society active in the field of human rights and encourage the involvement of women therein;

(d) To ensure that all their international and national personnel, prior to beginning their service, receive training in gender equality as well as appropriate training in the history, culture and traditions of Afghanistan and are fully familiar with and guided by international standards of human rights;

(e) To integrate efforts to improve the health status of women within all reconstruction efforts, especially through access to skilled prenatal care, increasing access to skilled birth attendance, education programmes on basic health issues, community information activities and emergency obstetric care;

(f) To continue to support measures for the employment of women and the integration of a gender perspective into all social, development and reconstruction programmes, taking into account the special needs of widows and returning refugee and displaced women and girls as well as those living in rural areas;

6. *Strongly urges* the Secretary-General to ensure that the important post of Senior Gender Adviser in the United Nations Assistance Mission in Afghanistan is filled immediately and with due regard to the need for continuity in this task;

7. *Requests* the Secretary-General to continue to review the situation of women and girls in Afghanistan and to submit to the Commission on the Status of Women at its forty-ninth session a report on progress made in the implementation of the present resolution.